

**BARBERING AND COSMETOLOGY EXAMINING BOARD MEETING
MINUTES
MADISON, WI
February 4, 2002**

PRESENT: Barbara Flaherty, Bruce Bennett, Laura Jenkins, Leon Lauer, Marvile Martin, Lee Martinez, Lorraine Norem and Karen Kraus (by phone)

ABSENT: Denise Svetly

STAFF PRESENT: Katharine Hildebrand, Wayne Austin, Judy Mender,

GUESTS: Mary Celentani, Office of State Treasurer

CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Barb Flaherty, Chair.

AGENDA

Hildebrand announced some changes to the agenda. A new item was added under Item 6.b, Mary Celentani, Unclaimed Property Administrator, from the Office of State Treasurer, will speak on unclaimed property (i.e. gift certificates).

MOTION: Leon Lauer moved, seconded by Laura Jenkins, to approve the agenda, as amended above. Motion carried unanimously.

MINUTES (12/3/01)

MOTION: Leon Lauer moved, seconded by Laura Jenkins, to approve the minutes of 12/3/01. Motion carried unanimously.

ELECTION OF OFFICERS

The Election of Officers will be postponed until the April 8, 2002 meeting when all board members are present.

MOTION: Leon Lauer moved, seconded by Marvile Martin, to postpone the election until April 8, 2002. Motion carried.

ADMINISTRATIVE REPORT

- **Board Roster**

Approved

- **2002 Meeting Dates**

Approved.

- **Summary of Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted.

- **Press Releases and List of Disciplinary Orders**

Noted.

- **Regulatory Digest Draft**

A draft of the Regulatory Digest will be distributed at the next meeting, April 8, 2002.

APPRENTICESHIP PROGRAM

Nothing to report.

PRACTICE ISSUES

- **Report from the Continuing Education Committee**

The Committee did not meet. The next meeting will be held on April 8, 2002, at 8:30 a.m., prior to the scheduled Board meeting.

- **Guest Speaker**

Mary Celentani, Unclaimed Property Administrator, at the Office of State Treasurer spoke to the Board concerning the regulations on unclaimed property. Unclaimed property laws were established in 1971. Unclaimed property is any financial asset, such as gift certificates, that has had no activity by its owner for a period of 5 years or longer. Property becomes “unclaimed” or “abandoned” when there has been no owner activity in relation to the account for a period of 5 years and when the owner cannot be contacted by the holder of that asset. The person holding the gift certificate is the person who has the value of the certificate and is entitled to the money, not the person who purchased the certificate.

Her office typically receives telephone calls regarding gift certificates that were issued by salons for various services. The callers are reporting the salon is no longer in business or they have been informed by the salon that their gift certificate was valid for only one year and will no longer be honored. Under the law, a salon can issue gift certificates expiring in one year. But after five years salons are required to turn the unclaimed funds over to the State Treasurer’s Office. Failure to do so is a violation.

The Board asked that Ms. Celentani to write a short article for the Digest to explain this process to the licensees.

LEGISLATIVE UPDATE

- **Status of AB 224**

The Board expressed their concerns on this issue.

- **Discussion of Testimony Before the Assembly Labor and Workforce Development Committee**

Copies of various testimonies were included in the Agenda Packet and discussed briefly.

- **Discussion of Action Plan**

A letter will be drafted after today's meeting that will be sent to the members of the Assembly expressing the Board's position on AB 224.

MOTION: Leon Lauer moved, seconded by Bruce Bennett, that a letter be drafted by Barbara Flaherty, Laura Jenkins, and Lee Martinez on behalf of the Board. Motion carried.

ADMINISTRATIVE RULES UPDATE

- **Revisions, Third Draft**

Under BC 1.01 (17), Wis. Admin. Code, the "Note" should be revised to read "*Lysol spray and Barbicide Plus are quaternary ammonium compounds.*"

MOTION: Lorraine Norem moved, seconded by Marvile Martin, to approve the rules with the correction as noted. Motion carried.

EXAMINATION ISSUES

Nothing.

ADMINISTRATIVE RULES

Nothing.

LEGAL COUNSEL REVIEW

Nothing.

BOARD MEMBER ACTIVITY

Nothing.

DIVISION OF ENFORCEMENT

Nothing.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

- **NACCAS Launch of New Cosmetology License Database**

Information was discussed briefly. At the present time, the Board will continue requiring a certification from the other licensing board as proof of licensure.

NEW BUSINESS

Nothing.

PRESENTATION OF PROPOSED STIPULATIONS

Proposed stipulations were discussed in closed session

CONVENE TO CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Marvile Martin, to convene in closed session to deliberate on cases involving hearings (s. 19.85 (11)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats. to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.) Motion carried by a roll call vote: Barbara Flaherty-Yes; Bruce Bennett-Yes; Laura Jenkins-Yes; Leon Lauer-Yes; Marvile Martin-Yes; Lee Martinez-Yes; and Lorraine Norem-Yes.

Open Session recessed at 11:40 a.m.

CLOSED SESSION

The Board deliberated on case closings and stipulations.

RECONVENE TO OPEN SESSION

MOTION: Leon Lauer moved, seconded by Marvile Martin, to reconvene in Open Session at 12:10 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Marvile Martin, to convene in closed session to deliberate on cases involving hearings (s. 19.85 (11)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats. to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.) Motion carried by a roll call vote: Barb Flaherty-yes, Bruce Bennett-yes, Laura Jenkins-yes, Leon Lauer-yes, Marvile Martin-yes, Lee Martinez-yes, Lorraine Norem-yes.

MOTION: Leon Lauer moved, seconded by Marvile Martin, to approve the stipulations for: Nhan T. Tran (dba) Modern Nails of Milwaukee, and William R. Utsey (dba) Shape and Shear. Motion carried unanimously. All stipulations are final.

MOTION: Leon Lauer moved, seconded by Marvile Martin, that the Board agrees to close the following cases, as discussed in closed session. Motion carried unanimously.

Case Closings:

01 BAC 050 – Insufficient evidence
98 BAC 116 – P3
01 BAC 024 – Insufficient evidence
01 BAC 037 – Insufficient evidence
00 BAC 080 – Insufficient evidence
99 BAC 010 – P3
99 BAC 010 – P5

ADJOURNMENT

MOTION: Lee Martinez moved, seconded by Leon Lauer, to adjourn the meeting at 12:10 p.m. Motion carried unanimously.

NEXT MEETING: Monday, April 8, 2002